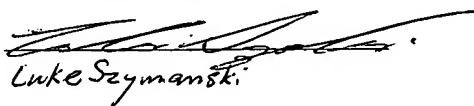




**PATENT**

**Attorney Docket No.: A-72315-1/DJB/THR**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  Hermessec et al  Serial No.: 10/823,523  Filing Date: April 12, 2004  Intl. Filing Date: November 30, 2001  Title: WOOD PRODUCTS AND PROCESSES FOR THE PREPARATION THEREOF	Group Art Unit: 1733  Examiner: To be assigned  <b><u>CERTIFICATE OF MAILING</u></b>  <b><u>UNDER 37 C.F.R. § 1.8 - FIRST CLASS MAIL</u></b>  I hereby certify that this correspondence is being deposited with the sufficient postage with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on:  October 25, 2004  Signed:  Luke Szymanski
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**RESPONSE TO NOTICE FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed June 25, 2004. This response is being filed by the extended due date of October 25, 2004. A petition for a 2-month extension of time along with the required fees are submitted in connection with this paper.

In addition, included in this paper are materials submitted under 37 C.F.R. §1.47(a) and M.P.E.P. §409.03 because one of the inventors, Branko Hermesec, has refused to sign the

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02-EC-1252  
130-00-00

declaration for the above application. As shown in the accompanying documents, applicants submit it is not possible to obtain Dr. Hermescec's signature on these documents because he has expressly refused to cooperate. Thus, applicants petition under 37 C.F.R. §1.47(a) to accept the enclosed declaration, which is missing the signature of Dr. Hermescec.

Applicants submit the following documents, including those submitted under 37 C.F.R. § 1.47(a) and M.P.E.P. §409.03:

1. This Response to the Notification of Missing Requirements under 35 U.S.C. 371;
2. The return copy of the Notification of Missing Requirements under 35 U.S.C. 371;
3. Declaration for Patent Application;
4. Petition for Extension of Time;
5. Check in the amount of \$560.00 to cover the \$130 fee associated with late filing of the declaration and \$430.00 fee associated with the two-month extension;
6. Power of Attorney;
7. Petition Under 37 C.F.R. §1.47(a) including Exhibits A-J;
8. Check in the amount of \$130.00, for the fee for filing a petition under 37 C.F.R. §1.47(h);
9. Preliminary Amendment to comply with requirement for an abstract;
10. Application Data Sheet;
11. Return Postcard.

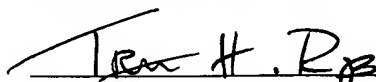
A-72315-1/DJB/THR  
Serial No.: 10/823,523

If the Examiner has any questions or would care to discuss any of the materials, the Examiner is invited to call the undersigned at (415) 781-1989

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: October 25, 2004

  
Traci H. Ropp (Reg. No. 44,307)

Four Embarcadero Center, Suite 3400  
San Francisco, California 94111-4187  
Tel: (415) 781-1989  
Fax: (415) 398-3249

*Filed Under 37 C.F.R. § 1.34(a)*  
Customer No. 32940

1154080

JFW



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,523	04/12/2004	Branko Hermesec	A-72315-1/DJB/THR

CONFIRMATION NO. 4873

## FORMALITIES LETTER



\*OC000000013073013\*

David J. Brezner  
 Dorsey & Whitney LLP  
 Intellectual Property Department  
 Four Embarcadero Center, Suite 3400  
 San Francisco, CA 94111-4187

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

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Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents

P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED  
JUN 10 2003  
PATENT EXAMINATION DIVISION